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Judge: Hon. Paul Snyder  
Chapter: 13  
Hearing location: Vancouver  
Hearing date: 2/2/2010  
Hearing time: 1:00 PM  
Response date: 1/26/2010

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re	)	Case No. 09-48362-PBS
	)	DECLARATION OF DEBTOR IN
DIANA M ACUESTA,	)	OBJECTION TO US BANK, N.A.'S
	)	OBJECTION TO CONFIRMATION
Debtor	)	WITH PROOF OF SERVICE

Under penalty of perjury, the undersigned hereby declare as follows:

I am the debtor in the above-captioned case, over the age of eighteen years, and competent to be a witness herein.

I am not in arrears for my November 1, 2009, mortgage payment. I have a grace period that extends to the 15<sup>th</sup> of each month. My November payment of \$5,381.54 was withdrawn from my bank account on November 23, 2009, electronic check number 005054 (see attached). Payments generally take 5-6 business days to be debited from my account after I authorize the payment. I am in compliance with the mortgage contract terms. There is no delinquency.

**Objection - 1**

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1 Further, I do not understand the claimed escrow shortage of \$657.92. US  
2 Bank's objection included no supporting documentation to prove or explain this  
3 claimed escrow shortage. On November 11, 2009, First Franklin issued me an  
4 escrow overage refund check in the amount of \$258.78 (check stub attached). In  
5 the past, escrow shortages have been handled by adjusting my monthly  
6 payment. But my property valuation has decreased from by \$165,219 in the past  
7 year, so I do not understand how such a shortage is possible.  
8

9 There is no basis to deny confirmation of my Chapter 13 Plan. If US Bank  
10 proceeds with their objection, then they should provide a full, detailed ledger of  
11 my account history.  
12

13 SIGNED AT Vancouver, Washington, on 1/22/2010.

14 /s/ Diana Acuesta  
15 DIANA ACUESTA  
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27 **Objection - 2**

28 **STANLEY F. HORAK LAW OFFICE**  
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I declare the preceding true under penalty of perjury.

GE Money Bank  
Recovery Management Systems Corp  
c/o Ramesh Singh  
25 SE 2nd Ave #1120  
Miami, FL 33131-1605

Notice sent via electronic means only:  
David Howe, Chapter 13 Trustee: [ecfcomputer@chapter13tacoma.org](mailto:ecfcomputer@chapter13tacoma.org)  
Office of the US Trustee: [marjorie.s.raleigh@usdoj.gov](mailto:marjorie.s.raleigh@usdoj.gov)

/s/ Holley Cassell  
HOLLEY CASSELL

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